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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,756	07/15/2003	Hagen Eck	09282.0049-00	7390
60668 7590 01/12/2011 SAP / FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
MOSSER, KATHLEEN MICHELLE				
ART UNIT		PAPER NUMBER		
3715				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,756

Applicant(s)

ECK ET AL.

Examiner

Kathleen Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-41, 44-51, 54-61 and 64-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-41, 44-51, 54-61 and 64-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendment filed 10/22/2010; claims 28-41, 44-51, 54-61, and 64-73 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 38-41, 44-46, 48-51, 54-56, 58-61, 64-66, and 68-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corn et al. (US 6,987,945; hereinafter Corn) in view of Lotvin et al. (US 5,907,831; hereinafter Lotvin), further in view of Robinson et al. (US 2002/0177109; hereinafter Robinson).

Regarding claims 38, 48, and 58, Corn discloses a computerized method and system for providing access to an electronic course (links to other web pages 8, 10, 12) hosted by a system (initial web page 6), comprising: receiving from a server, metadata for a course catalog from the external system; wherein the server sends the course catalog to the client device; presenting the course catalog to a user of the server, wherein the course catalog includes a course description; receiving a user selection of a course; communicating with the external system to provide the user access to the course (See Col. 7, lines 50-61; Col. 11, lines 4-53); receiving as tracking information an amount of time the user spent viewing material in the course. See Col. 11, lines 28-36. Corn additionally discloses the feature of

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receiving at the client device of a course from the course catalog and sending the selection to the server to retrieve the selected course. For example, Corn discloses "a web browser operating on an electronic client device interfaced with a network retrieves the initial web page of an educational provider's website. The initial web page contains references to other web pages containing educational content. A user of the electronic device selects and retrieves one of the other web pages containing educational content the user is interested in reviewing. See Col. 3, lines 10-25.

Corn discloses links to web pages 8, 10, and 12, but does not explicitly disclose that these web pages could be hosted by an external web server or the server transmitting a track command to the external system for tracking the user activity with the course. However, Lotvin teaches a computerized educational course wherein the educational content is provided by a third party content provider. See Lotvin, Fig. 5A, ref. 500, 510, 511.

Additionally in Col. 13, lines 17-36 Lotvin discloses:

The central system computer sends a message to the user's computer identifying the electronic address (e.g., Internet address, or URL) of the third party provider's presentation. The user's computer connects to the third party provider and participates in the educational presentation by: interacting directly with the third party; downloading software from the third party; or an intermediate situation as discussed above. On completion of the presentation, the number of earned points is transmitted from the user's computer to the central computer, *or directly from the third party's computer to the central system computer*, or from the third party's computer to the user's computer, which then transmits it to the central system computer.

Thus Lotvin teaches a system to track a user's progress with respect to a third-party content provider. Therefore, in view of Lotvin, it would have been obvious to one of ordinary skill in the art to modify the educational content described in Corn, by providing an external third party content provider, such that various organizations can use the system for particular educational applications.

Lotvin teaches a server that sends a student a link to access the third party provider rather than communicating a command from the server to the external system to provide user access to the course as claimed. However, Robinson teaches the eChalk system and method for presenting third-party educational content wherein eChalk system will request the content from a third-party content provider such that the user does not need to remember multiple passwords to access multiple third-party programs. See Robinson, paragraphs 109-113. Thus, in view of Robinson, it would have been obvious

to modify the inventions described in the combination of Corn and Lotvin by permitting the server to request the third party content, such that a user does not need to remember multiple passwords to access multiple third-party programs.

Regarding claims 39, 49, and 59, Corn discloses a register command that registers a user with the external system. See Fig. 5, register link.

Regarding claims 40, 50, and 60, Corn discloses an enroll command that enrolls the user in a course. See Col. 7, lines 56-59.

Regarding claims 41, 51, and 61 Corn discloses a step of communicating comprising: transmitting a launch command that launches the course. See Fig. 3, refs. 50, 52.

Regarding claims 44, 54, and 64, Corn discloses content of courses hosted by an external system that are stored in servers maintained by the external system 6. See Col. 11, lines 40-45.

Regarding claims 45, 55, and 65, Corn discloses content of the courses displayed on client device 16 in response to a launch command. See Col. 7, lines 3-21.

Regarding claims 46, 56, and 66, Corn discloses a step of communicating including: transmitting commands from the server to the external, system and receiving replies from the external system to the server. See Col. 11, lines 28-36.

Claims 68-70 are rejected for the reasons set forth above with respect to claims 38-41 and 44-46.

Regarding claims 71-73 Corn does not disclose the claimed feature of receiving at the server from an administrator, a request to obtain activity records of the user and transmitting the track command in response to the received request. However, Lotvin teaches an educational system that provides third-party content, wherein a user's performance record on the third-party system is automatically transmitted to the server. Thus, it would have been obvious to one of ordinary skill to retrieve student performance data from a third-party content provider. In addition it would further be obvious to manually request performance data rather than automatically transmitting the data, in order to allow an administrator to retrieve desired performance data rather than all performance data, thereby reducing storage of irrelevant performance data that the administrator is not concerned with.

2. Claims 47, 57, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corn (US 6,987,945) in view of Lotvin and Robinson, further in view of Linderman (US 2002/0032790).

Corn discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed feature of transmitting commands in accordance with simple object access protocol (SOAP). However, Linderman teaches an object-oriented communications system over the Internet which utilizes SOAP protocol. See Linderman, paragraph 19. Thus, in view of Linderman, it would have been obvious to one of ordinary skill in the art to modify the protocol described in Corn, by providing SOAP protocol in order to allow easier communication behind proxies and firewalls.

Response to Arguments

3. The arguments filed 10/22/2010 are deemed persuasive in part, but are not sufficient to overcome the rejection based upon the combination of Corn, Lotvin, and Robinson. The applicant asserts that Corn fails to "transmitting, a track command to the external system for tracking the user activity through the at least one selected course". The specification as originally filed describes the "track command" beginning on page 38, line 20 through page 40, line 8. Based upon this description, the "track command" is a request for the tracking information related to the particular user. So, as most reasonably understood, in light of the specification, the limitation is directed to transmitting a request from the server to the third party, external server to retrieve information related to a student's progress (tracking information). It is not directed to the program which actually performs the tracking. Based upon this analysis, the examiner concedes that Corn fails to teach the specific feature, although Corn does teach tracking student progress and locally storing and retrieving such information for future use. Since Corn does not include the external server, it can not retrieve this information from the external server. The feature, though in narrower context, was previously shown to be taught by Lotvin in rejecting claims 71-73 and is fully disclosed in the previous citations of Lotvin. Thus the combination of Corn, Lotvin and Robinson obviate the claimed invention and the rejection of the claims is maintained.

Conclusion

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

January 11, 2011